

National Aeronautics and Space Administration



Headquarters

Office of Communications
MS5L9, 300 E Street, SW
Washington, DC 20546-0001

June 19, 2019

Emma Best
MuckRock News
Dept MR 73640
411A Highland Ave
Somerville, MA 02144-2516
73640-41914962@requests.muckrock.com

REF: 19-HQ-F-00546

Dear Ms. Best,

Thank you for your interest in the National Aeronautics and Space Administration (NASA). This is the final response to your Freedom of Information Act (FOIA) request received at the NASA Headquarters FOIA Office on May 24, 2019. Your request was assigned FOIA Case Number 19-HQ-F-00546 and was for:

*Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:

1. The instruction to do so from the Agency, as well as any guidance from the senior leadership
2. Documents discussing proposals and procedures
3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office
4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation
 - a. A copy of the agency's first perfected (successful) FOIA request.
 - b. Copies of other FOIA requests filed before the FOIA request described above.
 - c. Processing notes, search slips and response documents regarding the FOIA requests described above.
 - d. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests.
 - e. A copy of the **agency's first successful FOIA appeal**.
 - f. Copies of other FOIA appeals received by the agency before the appeal described above.
 - g. Processing notes, search slips and response documents regarding the FOIA appeals described above.

- h. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals.

In response to your request, a search of NASA's Freedom Of Information Act Office and its public website, <https://www.nasa.gov/FOIA/index.html>, and the Office of the General Counsel was conducted using the information you provided above.

In regards items 1, 2 and 3 of your request seeking for instructions, proposals and legal guidance "as part of the creation of the FOIA Office," the FOIA unit could not locate any records. NASA follows the requirements of the statute, its FOIA regulations, and guidance provided by the Department of Justice, Office of Information and Policy.

As it relates to Item 4, and 4a thru 4h of your FOIA request, NASA does not have any records responsive to this item. It may be helpful to know that all Executive Branch agencies manage their records according to the General Records Schedule (GRS). According to the GRS, records related to FOIA requests and appeals are destroyed between 2-6 years after the agency responds, depending on the nature of the response. Considering that the records you request concern the creation of the FOIA unit and the first request and/or appeal that the agency may have received when the FOIA was enacted (1967), please be advised that those records would have been properly destroyed in accordance with the Records Retention policy. For more information about GRS, you may wish to visit National Archives and Records Administration website.

Appeal Rights

You have the right to appeal my action on your FOIA request. Your appeal must be received within 90 calendar days of the date of this letter. Your appeal must be in writing and addressed to:

Administrator
ATTN: FOIA Appeals
NASA Headquarters
Executive Secretariat
MS 9R17
Washington, DC 20546

Both the envelope and letter of appeal should be clearly marked "Appeal under the Freedom of Information Act." You must also include copies of your initial request, this correspondence, and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should also contain a brief statement of the reasons you believe this initial determination should be reversed.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request, you may contact NASA's Chief FOIA Public Liaison, Stephanie Fox, via telephone at 202-358-1553 or via e-mail at

Stephanie.L.Fox@NASA.gov. You may also send correspondence to Ms. Fox at the following address:

National Aeronautics and Space Administration (NASA)
Freedom of Information Act Unit
NASA Headquarters
Attn: Stephanie Fox
Chief FOIA Public Liaison
300 E Street, S.W., 5P32
Washington D.C. 20546
(Fax) 202- 358-4332

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: 1-877-684-6448
Fax: (202) 741-5769

Important: Please note that contacting any agency official including the undersigned, NASA's Chief FOIA Public Liaison, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

If applicable, further issues concerning processing of your request will be addressed in a separate letter. If I can be of further assistance, please contact me at 202-358-0680 or HQ-FOIA@nasa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mireya P. Nyirenda', with a stylized flourish at the end.

MIREYA P. NYIRENDA
FOIA Public Liaison Officer